

FILED 02/03/10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID MCDONALD HEATH,

O R D E R
Civ. No. 07-669-TC

Plaintiff,

vs.

JEAN HILL,
Defendant.

AIKEN, Chief Judge:


Magistrate Judge Coffin filed his Findings and Recommendation on November 17, 2009 (doc. 54). The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate's report. 28 U.S.C. § 636(b)(1)(B); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981),

1 cert. denied, 455 U.S. 920 (1982).

2 Respondent has timely filed objections. I have, therefore,
3 given the file of this case a de novo review. In fact, I
4 carefully reviewed the record and evidence before the Magistrate
5 as well as the Objections to the Findings and Recommendation and
6 the Response to the Objections. I agree and adopt Judge Coffin's
7 thorough, well reasoned and well supported 32-page Findings and
8 Recommendation that Petitioner's Petition (doc. 2) is granted
9 with respect to his convictions in Case No. 983474-A-FE.

10 IT IS SO ORDERED.

11 Dated this 2nd day of February 2010.

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15 Ann Aiken
16 United States District Judge
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